

CLOSED

**U.S. District Court  
Western District of Kentucky (Louisville)  
CRIMINAL DOCKET FOR CASE #: 3:07-mj-00103-JDM-ALL**

Case title: USA v. Ferguson

Date Filed: 03/23/2007

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Assigned to: Magistrate Judge James D.  
Moyer

**Defendant**

**Clifford Strong Ferguson (1)**  
TERMINATED: 03/26/2007

represented by **Laura R. Wyrosdick**  
Western Kentucky Federal Community  
Defender, Inc.  
629 Fourth Avenue  
200 Theatre Building  
Louisville, KY 40202  
502-584-0525  
Fax: 502-584-2808  
Email: laura\_wyrosdick@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
**Designation: Public Defender or  
Community Defender Appointment**

**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Disposition****Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints**

21:841A=CD.F Possession of a  
Controlled Substance

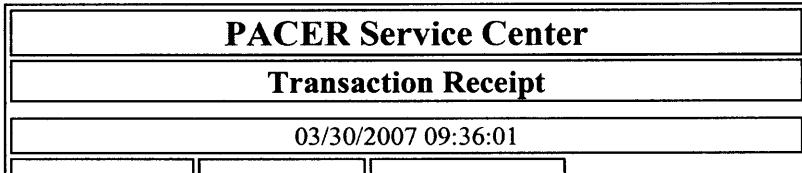
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**Disposition**

**Plaintiff****USA**

represented by **Thomas W. Dyke**  
 U.S. Attorney Office - Louisville  
 510 W. Broadway  
 10th Floor  
 Louisville, KY 40202  
 502-625-7042  
 Fax: 502-582-5097  
 Email: tom.dyke@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/23/2007		Arrest (Rule 5) of Clifford Strong Ferguson. (SJS) (Entered: 03/26/2007)
03/23/2007		Proceedings held before Magistrate Judge James D. Moyer : Initial Appearance in Rule 5 Proceedings as to Clifford Strong Ferguson held on 3/23/2007 Appearance entered by Thomas W. Dyke for USA, Laura R. Wyrosdick for Clifford Strong Ferguson on behalf of defendant. (SJS) (Entered: 03/26/2007)
03/23/2007	<u>2</u>	CJA 23 Financial Affidavit by Clifford Strong Ferguson. (SJS) (Entered: 03/26/2007)
03/23/2007	<u>3</u>	WAIVER of assignment of counsel by Clifford Strong Ferguson. (SJS) (Entered: 03/26/2007)
03/23/2007	<u>4</u>	WAIVER of Rule 5 & 5.1 Hearings by Clifford Strong Ferguson. (SJS) (Entered: 03/26/2007)
03/23/2007	<u>5</u>	Appearance Bond Entered as to Clifford Strong Ferguson in amount of \$25,000/Unsecured. (SJS) (Entered: 03/26/2007)
03/26/2007	<u>1</u>	ORDER by Magistrate Judge James D. Moyer on 3/23/07; as to Clifford Strong Ferguson. I/A held 3/23/07; Dft executed a waiver of assignment in open court; Dft waived his right to a Rule 5 identity hearing; USA moved for a detention and a hearing on the release issue was held; for reasons stated in the record the dft was released on a \$25,000/unsecured bond with conditions, for his appearance as directed in the Middle District of Alabama, Northern Division. cc:Counsel, USM, USP (SJS) (Entered: 03/26/2007)
03/26/2007	<u>6</u>	NOTICE of Rule 5 transfer out re <u>1</u> Order. (SJS) (Entered: 03/26/2007)



**United States District Court**  
**Western District of Kentucky**  
**RECEIVED**  
**at Louisville**

**CERTIFIED**  
**U. S. DISTRICT COURT**  
**LOUISVILLE, KY.**  
**DATE: 3-26-07**  
**BY: K. Smallwood**  
**Deputy Clerk**

2007 MAR 29 A 9:46

**UNITED STATES OF AMERICA** DEBRA P. HACKETT, CLERK  
 VS. U.S. DISTRICT COURT  
 MIDDLE DISTRICT ALA

**PLAINTIFF**  
**CRIMINAL ACTION NUMBER: 3:07MJ-103**

**CLIFFORD STRONG FERGUSON** **DEFENDANT**

**ORDER ON INITIAL APPEARANCE**  
**AND RULE 5 PROCEEDINGS**

The above-styled case came before the Honorable James D. Moyer, United States Magistrate Judge and was called in open Court on March 23, 2007 for an initial appearance on an Indictment and Warrant issued from the Middle District of Alabama, Northern Division.

**APPEARANCES**

For the United States: Thomas W. Dyke, Assistant United States Attorney

For the defendant: Defendant, Clifford Strong Ferguson - Present and in custody  
 Laura R. Wyrosdick - Asst. Federal Defender - Present  
 (Appointed for the limited purpose of initial proceedings only)

Court Reporter: Digitally Recorded Proceedings

At the initial appearance the defendant acknowledged his identity, was furnished with a copy of the Indictment and Warrant from the Middle District of Alabama, was advised of the nature of the charges contained therein and was advised of his rights.

The defendant advised the Court that he was represented by Susan James in the Middle District of Alabama and executed a waiver of assignment form in open Court. Ms. Laura Wyrosdick, Assistant Federal Defender was present in the Courtroom, and appeared for the limited purpose of the proceedings here in the Western District of Kentucky.

(1)

Through counsel, the defendant waived his right to a Rule 5 identity hearing in this District. The United States moved for detention and a hearing on the release issue was held.

After hearing proffer of counsel and for the reasons stated on the record,

**IT IS HEREBY ORDERED** that the defendant is released on a \$25,000.00 unsecured bond,  
with conditions, for his appearance as directed in the Middle District of Alabama, Northern Division.

This 23<sup>th</sup> day of March, 2007

**ENTERED BY ORDER OF THE COURT:**  
**JAMES D. MOYER**  
**UNITED STATES MAGISTRATE JUDGE**  
**JEFFREY A. APPERSON, CLERK**  
**BY: /s/ Kathryn D. Niemann**  
**Kathryn D. Niemann - Deputy Clerk**

Copies: U.S. Attorney  
U.S. Probation  
U.S. Marshal  
Counsel for Defendant

0|20

Filed MAR 23 2007  
U.S. DISTRICT COURT - LOUISVILLE  
WESTERN DISTRICT OF KENTUCKY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

MAR 23 PM 12:09

UNITED STATES OF AMERICA

VS.

NO. 3:07MJ-103

Clifford Strong Ferguson

WAIVER OF ASSIGNMENT OF COUNSEL

I, the defendant in the above-styled case, having been advised by the United States Magistrate Judge of my right to be represented by counsel, and having been asked by the Magistrate Judge if I desired counsel to be appointed, do hereby, in open court voluntarily waive the appointment of counsel.

Date: 3/23/07

x Clifford Ferguson  
DEFENDANT

K. Himer  
COUNSEL/WITNESS

## UNITED STATES DISTRICT COURT

Western

DISTRICT OF

Kentucky07 MAR 23 PM 12:09  
U.S. DISTRICT COURT - WESTERN DISTRICT OF KENTUCKY

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint/Indictment)

v.

Clifford Ferguson

Defendant

CASE NUMBER: 3:01MJ-103

CHARGING DISTRICTS

CASE NUMBER:

2:07CR-05-WKW

I understand that charges are pending in the Middle District of Alabama District of Alabama  
 alleging violation of 21:841(a)(1) & 18:924(c)(A)(i) and that I have been arrested in this district and  
 (Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

## I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- identity hearing  
 preliminary hearing  
 identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Cliff Ferguson

Defendant

3/23/07

Date

John C. Smith

Defense Counsel

FILED ISD

U.S. DISTRICT COURT CLERK  
WESTERN DISTRICT OF KYUNITED STATES DISTRICT COURT  
Western District of Kentucky 07 MAR 23 PM '03

UNITED STATES OF AMERICA

V.

## APPEARANCE BOND

Clifford Strong Ferguson

Defendant

Case Number: 3:07 MJ-103

 Non-surety: I, the undersigned defendant acknowledge that I and my . . . Surety: We, the undersigned, jointly and severally acknowledge that we and our . . .personal representatives, jointly and severally, are bound to pay to the United States of America the sum of  
\$ 25,000.00, and there has been deposited in the Registry of the Court the sum of

\$ \_\_\_\_\_ in cash or \_\_\_\_\_ (describe other security.)

The conditions of this bond are that the defendant

Clifford Strong Ferguson  
(Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on 3/23/07 at Louisville, Kentucky

Date

Place

- Sign C. S. Ferguson
- Print Cliff Strong Ferguson

Surety \_\_\_\_\_

Signed and acknowledged before me

Date

3/23/07J. D. Mayer

Judge/Clerk

Approved \_\_\_\_\_

### JUSTIFICATION OF SURETIES

I, the undersigned surety, say that I reside at \_\_\_\_\_

\_\_\_\_\_ ; and that my net worth is the sum of  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_ ).

I further state that

\_\_\_\_\_ Surety

Sworn to before me and subscribed in my presence on \_\_\_\_\_  
at \_\_\_\_\_ Date  
Place

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Signature of Judge/Clerk

I, the undersigned surety, state that I reside at \_\_\_\_\_  
\_\_\_\_\_ ; and that my net worth is the sum of  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_ ).

I further state that

\_\_\_\_\_ Surety

Sworn to before me and subscribed in my presence on \_\_\_\_\_  
at \_\_\_\_\_ Date  
Place

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Signature of Judge/Clerk

Justification Approved: \_\_\_\_\_  
Judge

## UNITED STATES DISTRICT COURT

## Western District of Kentucky

United States of America

ORDER SETTING CONDITIONS  
OF RELEASE

V.

Clifford Strong Ferguson

Defendant

Case Number: 3:07 MJ-103

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as

directed. The defendant shall appear at (if blank, to be notified) U.S. Courthouse Building for the Middle  
Place

District of Alabama

on

As Directed

Date and Time

Northern Division

## Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- () (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \$ 05,000.00 dollars (\$ 05,000.00) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

**Additional Conditions of Release**

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

( ) (6) The defendant is placed in the custody of:

(Name of person or organization) \_\_\_\_\_

(Address) \_\_\_\_\_

(City and state) \_\_\_\_\_ (Tel. No.) \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: \_\_\_\_\_  
Custodian or Proxy \_\_\_\_\_ Date \_\_\_\_\_

(✓) (7) The defendant shall:

- (✓)(a) report to the US Probation as Directed, telephone number \_\_\_\_\_, not later than \_\_\_\_\_.
- ( ) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \_\_\_\_\_
- ( ) (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described
- ( ) (d) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_.
- (X) (e) maintain or actively seek employment with strong Records.
- ( ) (f) maintain or commence an education program.
- ( ) (g) surrender any passport to: \_\_\_\_\_
- ( ) (h) obtain no passport.
- (✓) (i) abide by the following restrictions on personal association, place of abode, or travel: The Western District of Kentucky, and the Middle District of Alabama
- ( ) (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: \_\_\_\_\_
- ( ) (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: \_\_\_\_\_
- ( ) (l) return to custody each (week) day as of \_\_\_\_\_ o'clock after being released each (week) day as of \_\_\_\_\_ o'clock for employment, schooling, or the following limited purpose(s): \_\_\_\_\_
- ( ) (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.
- (✓) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.
- ( ) (o) refrain from ( ) any ( ) excessive use of alcohol.
- (✓) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (✓) (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- (✓) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
- ( ) (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
- ( ) (t) participate in one of the following home confinement program components and abide by all the requirements of the program which ( ) will or ( ) will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
  - ( ) (i) Curfew. You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or
  - ( ) (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or
  - ( ) (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.
- ( ) (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- ( ) (v)
- ( ) (w)
- ( ) (x)

**Advice of Penalties and Sanctions****TO THE DEFENDANT:****YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

**Directions to United States Marshal**

- The defendant is ORDERED released after processing.
- The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: \_\_\_\_\_

Signature of Judge

**United States Magistrate Judge**

Name and Title of Judge

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL